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# Annual report of the Special Representative of the Secretary-General on Violence against Children

## Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the annual report of the Special Representative of the Secretary-General on Violence against Children, Marta Santos Pais, prepared pursuant to General Assembly resolution 69/157. In the report the Special Representative reviews key developments and initiatives she has promoted to accelerate progress in the protection of children from violence. The report builds upon the decision by the Assembly to renew the mandate of the Special Representative, and upon the opportunities provided by the adoption of the 2030 Agenda for Sustainable Development and the commemoration in 2016 of the tenth anniversary of the submission to the Assembly of the United Nations study on violence against children.

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# Annual report of the Special Representative of the Secretary-General on Violence against Children

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# I. Introduction

1. In the present report the Special Representative of the Secretary-General on Violence against Children reviews key initiatives that she has promoted at the global, regional and national levels and provides an overview of results achieved in the protection of children from violence.

2. Guided by General Assembly resolution 62/141, in which the Assembly established her mandate, the Special Representative acts as a global, independent advocate for the prevention and elimination of all forms of violence against children. In its resolution 70/137, the Assemblyexpressed support for the work of the Special Representative and recommended that the Secretary-General extend the mandate for a further period of three years and maintain support for the effective and independent performance and sustainability of the mandate, funded from the regular budget.

3. The Special Representative remains strongly committed to further enhancing efforts to accelerate progress in the prevention and elimination of all forms of violence against children.

4. The year 2016 presents a unique opportunity to decisively advance this process. It marks the start of the process of implementation of the 2030 Agenda for Sustainable Development with its specific target (target 16.2) of ending all forms of violence against children and targets on ending the abuse, neglect and exploitation of children.

5. The year 2016 also marks the commemoration of the tenth anniversary of the submission to the General Assembly of the United Nations study on violence against children and of the twentieth anniversary of the first World Congress against Commercial Sexual Exploitation of Children. A series of events and mobilization initiatives will be held during the year with a wide range of stakeholders, including national authorities, international and regional organizations, United Nations agencies, non-governmental organizations, faith-based organizations, the private sector and the media. These initiatives include the launch of a global study on the sexual exploitation of children through travel and tourism and the release of a bill of rights tailored specifically for child victims of sexual abuse and exploitation.

6. By promoting a quantum leap in global efforts to accelerate progress in the protection of children from violence, the international community can transform this momentum into an unstoppable movement towards a world free from fear and from violence. It is crucial to seize this unique occasion to place the protection of children from violence at the forefront of the policy of every nation.

7. It is indeed high time to end violence against children. We must close the gap between the commitments and promises to prevent and address violence against children and the action that can translate this goal into a reality, while ensuring no child is left behind. It is high time to genuinely address the root causes of violence and promote a culture of respect for children's rights and of zero tolerance of violence. It is high time to mobilize all those who can actively engage in an effort to translate their commitment, talent and time into tangible change and into a world free from fear and from violence. The year 2016 can be the start of a new era in protecting children's rights by bridging international commitments and local action; strengthening alliances to end violence; and building upon the transformative power of Governments, organizations and communities and of the belief and determination of children and young people. In the countdown to 2030 and an end to violence against children, everybody counts!

## II. Consolidating progress in the protection of children from violence

8. The agenda of the Special Representative has been guided by four strategic priorities: consolidating progress and mainstreaming the recommendations of the study on violence against children into the policy agenda; reinforcing regional processes to enhance the protection of children from violence; ensuring that the issue of violence against children is given prominence in the global development agenda; and addressing a range of emerging concerns.

9. The following strategic dimensions of this important agenda in which significant progress has been made are highlighted in the report:

(a) Consolidating the human rights foundation for protecting children from violence through the launch in 2010 of the campaign for universal ratification of the Optional Protocols to the Convention on the Rights of the Child. This has led to a steady increase in the number of ratifications to the Optional Protocol on the sale of children, child prostitution and child pornography, in force in 171 countries, and to the promotion of new international standards, including the Optional Protocol on a communications procedure which, by the end of 2015, was in force in 22 countries; the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization (ILO) and the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice, adopted by the General Assembly in its resolution 69/194;

(b) Enhancing awareness and consolidating knowledge to prevent and respond to violence against children by hosting international expert consultations, developing research on strategic topics and publishing studies. The publications included *Toward a World Free from Violence: Global Survey on Violence against Children*;[1] 10 thematic studies on topics such as violence in schools and in the justice system, restorative justice for children, the rights of girls in the criminal justice system and child-sensitive counselling, and reporting and complaint mechanisms; reports on protecting children from harmful practices and from armed violence and organized crime; and a report on opportunities and risks associated with information and communication technologies (ICTs). In addition, child-friendly materials were produced to inform and empower children about their right to freedom from violence;[2]

(c) Promoting regional processes for the implementation of the recommendations of the study on violence against children by holding seven high-level regional consultations in South America, Central America, the Caribbean, South Asia, the Pacific, Europe and the Arab region; issuing six regional reports and holding periodic review meetings to assess and accelerate progress; and hosting five cross-regional round tables to enhance cooperation for violence prevention and elimination. Current efforts are designed to build upon regional plans to support implementation of the Sustainable Development Goals;

(d) Strengthening national implementation efforts (see A/70/289, paras. 7-16) to free children from violence, especially through the adoption and implementation of comprehensive multisectoral national agendas, which are now in place in more than 90 countries, most recently in the Dominican Republic, Ecuador, Ghana, Indonesia, Nigeria and Norway; the enactment of national legislation banning all forms of violence against children by 50 countries, most recently in Ireland, the Lao People's Democratic Republic and Peru; and the consolidation of data systems, including through national household

[1] Available from http://srsg.violenceagainstchildren.org/publications.

[2] Available from http://srsg.violenceagainstchildren.org/children-corner/materials.

surveys in 15 countries in Asia and Africa, most recently concluded in Cambodia, Malawi and Nigeria;

(e) Promoting global advocacy on neglected areas of concern in support of new United Nations initiatives, including the requests by the General Assembly in its resolution 69/158 for a report on protecting children from bullying and in resolution 69/157 for a global study on children deprived of liberty, and the decision of the Human Rights Council in its resolution 28/6 to establish a new mandate for the Independent Expert on the enjoyment of human rights by persons with albinism;

(f) Fostering the growing alliance among Governments, national institutions, civil society and faith-based organizations, academics and children's networks as a major thrust of the global advocacy efforts of the mandate to mobilize action and investment in the protection of children from violence and supporting national implementation efforts, including by undertaking over 130 missions to 60 countries since 2009.

## A. Violence against children: a distinct priority in the 2030 Agenda for Sustainable Development

10. Placing the protection of children from violence as a distinct priority and cross-cutting concern in the 2030 Agenda has been a priority for the Special Representative, as has ensuring the inclusion of children's views in this process.

11. Growing up in safety and free from violence is a top priority for children in all regions. Children were eager to help shape the 2030 Agenda and remain strongly committed to playing a crucial role in the work ahead as serious partners and agents of change.

12. Implementing the new agenda presents the global community with a unique opportunity to transform the vision of target 16.2 into a reality for all the world's children. But along with this opportunity comes a special responsibility. Protecting children from violence must not be simply an ideal that becomes diluted by attention to many other concerns. While the adoption of the Sustainable Development Goals demonstrates a shared sense of purpose and a renewed impetus to global efforts, it also conveys a very special sense of urgency to ensure that no one is left behind. It is incumbent upon all Governments and stakeholders to show leadership, to mobilize and to inspire action, championing this noble cause in a broad alliance of tireless ambassadors committed to the cause of freeing children from violence.

13. There is no time for complacency. Around the world, millions of girls and boys of all ages continue to be exposed to appalling levels of violence, in their neighbourhoods, in their schools, in institutions aimed at their care and protection and within the home.

14. Violence leaves long-lasting scars on children's lives, and often has irreversible consequences on their development and well-being and their opportunities to thrive later in life. It also weakens the very foundation of social progress, generating huge costs for society, slowing economic development and eroding nations' human and social capital. According to a recent study on the economic burden resulting from physical, psychological and sexual violence, the global costs could be as high as $7 trillion per year, or more than 4 per cent of global gross domestic product. Yet, with relatively modest investments in proven strategies for violence prevention, a long-lasting difference can be made in protecting children from violence. Violence will become part of the distant past only when the values, goals and targets of the new agenda are translated into tangible national action.

15. As the process of follow-up to the study on violence against children has shown, there is already a sound basis to build upon. An increasing number of States have strong

legislation and national plans of action to prevent and respond to violence, along with mechanisms to collect and analyse data to inform planning, policy and budgetary decisions, as well as monitoring and evaluation. Regional organizations and institutions have become crucial players in these efforts and some, for example, the Association of Southeast Asian Nations (ASEAN) and the Council of Europe, are aligning new regional plans on violence against children with the Sustainable Development Goals.

16. But such progress, however significant, needs to be further consolidated. The implementation of the 2030 Agenda requires strengthened partnerships and the mobilization of significant resources; the protection of children from violence cannot be an afterthought. A broad global alliance uniting Governments, civil society, community and religious leaders, the private sector, international organizations and all other actors, including children themselves, is crucial. For this reason, the Special Representative supports the development of a global partnership to end violence against children as well as the ILO initiative Alliance 8.7, which mobilizes efforts towards ending child labour in accordance with target 8.7 of the Sustainable Development Goals. Human rights treaty bodies and mechanisms, including the universal periodic review process and the work of special procedures, can become strategic players by mainstreaming the violence-related targets of the Goals into their monitoring work.

17. The roots of violence against children are multifaceted, and preventing and eliminating it require a multisectoral and integrated approach. Achieving all the targets of the Sustainable Development Goals, especially those related to ending poverty and child labour; addressing gender inequality and harmful practices; and promoting health and education, access to justice and accountable and inclusive institutions will help reduce the risk of violence in children's lives and provide effective responses for victims. Failing to end violence against children will compromise social progress and the realization of the vision of sustainable development.

18. The violence-related targets in the 2030 Agenda are achievable, but measuring progress will need to be supported by sound data and stronger national statistical capacity. Along with the consolidation of knowledge and data on children's exposure to sexual, physical and emotional violence, it is crucial to develop enhanced tools and methodologies that can capture the full magnitude and incidence of all forms of violence against all girls and boys under 18 years of age.

19. Children have high expectations of this process. They want a future where all children, and everyone else, can enjoy a safe, happy and healthy life, free from fear and from violence. This is their vision. But, as they often stress, a vision without a plan is only a nice dream, and a plan without a vision can become a nightmare. The implementation of the Sustainable Development Goals can help build a world as big as children's dreams. This is children's ambition, and this is the noble cause the world has before it.

## B. Global study on children deprived of liberty

20. As implementation of the 2030 Agenda starts, countless children are already being left behind. This includes children deprived of their liberty. Children in vulnerable situations, including those who have run away from domestic violence, those who live on the street and those who are victims of trafficking, prostitution, organized crime or conflict situations are at special risk; still others may end up in detention as a result of mental health and drug abuse, or because of their status as migrants or asylum seekers.

21. Held in closed institutions, psychiatric centres or adult prisons, where they await trial for long periods of time, these children often lack genuine opportunities to access justice and challenge the legality of their detention, or to benefit from education and

vocational training and long-lasting social reintegration. Once deprived of liberty, children are at heightened risk of human rights violations, including harassment, sexual abuse and acts of torture. They may also be subjected to violence as a form of discipline, punishment or sentencing.

22. Responding to these serious concerns, the General Assembly, in its resolution 69/157, invited the Secretary-General to commission an in-depth global study on children deprived of liberty, funded through voluntary contributions and conducted in close cooperation with relevant United Nations agencies and offices and in consultation with relevant stakeholders, including Member States, civil society, academia and children, to include good practices and recommendations for action, and to submit the conclusions to the Assembly at its seventy-second session. The study will help to consolidate data and sound evidence to inform policy and law, develop capacity-building initiatives for professionals and promote a change in stigmatizing attitudes and behaviour towards children in detention.

23. On Universal Children's Day in 2015, 20 November, the Secretary-General emphasized the importance of ensuring that the commitments made by the international community to the world's children are extended to children deprived of liberty. He stressed that the Convention on the Rights of the Child dictated that, whatever the circumstances, the deprivation of liberty of children must be a measure of last resort and for the shortest time. The aims with regard to such children must be to pursue the best interests of the child, prevent deprivation of liberty and promote alternatives to detention. He urged Member States and others to support the coalition of United Nations actors that had come together to assemble resources and expertise to take the study forward.

24. In its resolution 70/137, the General Assembly, recalling its previous decision on this subject, encouraged Member States, United Nations agencies, funds, programmes and offices, as well as other relevant stakeholders to support the elaboration of the study.

25. The study constitutes a high priority for the mandate of the Special Representative and she has facilitated the initial coordination and planning efforts in the lead-up to its development, in partnership with the Special Representative of the Secretary-General for Children and Armed Conflict, the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and the United Nations Children's Fund (UNICEF). To prepare the ground, the Special Representative has spearheaded efforts to establish an institutional framework, including a United Nations inter-agency task force, a civil society forum and a cross-regional academic research network.

26. To mobilize political support and funding for the development of the study and identify strategic opportunities and processes it can build upon, the Special Representative held important meetings with Member States, United Nations agencies, treaty bodies and special procedures of the Human Rights Council, civil society organizations, regional human rights mechanisms, independent human rights institutions and academic institutions.

27. In coordination with United Nations partners and in cooperation with other strategic stakeholders, the major preparatory tasks for the study were advanced in 2015 with a view to further defining its focus and scope and developing a fundraising initiative.

28. The Special Representative remains strongly committed to the further advancement of the global study.

## C. Reinforcing regional processes for the protection of children from violence

29. Regional organizations and institutions are strategic allies in violence prevention and elimination initiatives. The institutionalized cooperation developed with the Special Representative has been instrumental in placing violence against children at the heart of the regional policy agenda to accelerate progress, enhance the accountability of States and support national implementation efforts. The Special Representative's annual high-level cross-regional round table, which brings together regional organizations and institutions, has become a strategic forum for promoting policy dialogue, sharing knowledge and good practices, coordinating efforts and promoting synergies, identifying trends and pressing concerns and joining forces to accelerate progress in the protection of children from violence.

30. In the Latin America and the Caribbean region, building upon the road map on violence against children adopted in Asunción in 2011, the Permanent Commission of the Niñ@Sur Initiative of the Common Market of the South (MERCOSUR) agreed in July 2015 to develop a regional policy for the promotion of positive discipline and the prevention of violence. In November 2015, it decided to prepare a regional strategic plan to support implementation of the 2030 Agenda, with a special focus on target 16.2 and other violence-related targets.

31. In July 2015, the Caribbean Community Task Force on Child Rights and Child Protection developed a regional strategy on prevention and elimination of violence against Children for the period 2015-2020 as a follow-up to the regional road map on the protection of children from all forms of violence, adopted in Kingston in 2012, to reinforce the protection of children from physical, emotional, sexual and online-related violence. The regional strategy aims to support the implementation of the Sustainable Development Goals in the Caribbean region, with a particular emphasis on target 16.2.

32. The Central American Integration System initiated the drafting of a regional convention to address sexual violence against children, informed by the cross-regional cooperation process promoted by the Special Representative.

33. Cooperation with African nations, institutions and partners has been further pursued. In November 2015, on the occasion of the conference organized by the African Committee of Experts on the Rights and Welfare of the Child to celebrate the twenty-fifth anniversary of the African Charter on the Rights and Welfare of the Child, the Special Representative joined the African Union, the African Child Policy Forum and UNICEF in the launch of *The African Report on Violence against Children*. The report presents a review of regional progress on the implementation of the recommendations of the study on violence against children, highlights the challenges, opportunities and priorities in achieving an Africa fit for its children and includes an agenda for action. Drawing on research and household surveys undertaken in the region, it provided a significant contribution to the development of the African Children's Agenda for the next 25 years. The Children's Agenda, one of whose core goals is ending violence against children, will provide significant impetus for achievement of the Sustainable Development Goals targets related to the protection of children, especially target 16.2.

34. The First African Girls' Summit on Ending Child Marriage was held in Lusaka in November 2015. Hosted by the African Union and the Government of Zambia, the summit gathered Heads of State and Government, ministers responsible for gender and children, United Nations agencies, development partners, civil society organizations and religious and traditional leaders as well as young people who have experienced child marriage. The participants took stock of the progress made to end child marriage across the continent,

shared evidence and good practices and renewed their commitment to end child marriage and other harmful practices in Africa.

35. The Special Representative will further enhance her collaboration with the African Union, the Special Rapporteur of the African Union on Ending Child Marriage and other partners with a view to the swift implementation of the Plan of Action for the Implementation of the Common African Position on Ending Child Marriage in Africa.

36. This is an area where much has already been achieved. In Malawi, for example, the parliament adopted in 2015 the Marriage, Divorce and Family Relations Bill, which raised the minimum age of marriage to 18 years of age. The social mobilization around this process and the important partnership developed with traditional leaders helped to raise awareness of the new law and achieve important results, including a landmark initiative led by a female traditional chief that led to the annulment of 330 child marriages in a single district.

37. In East Asia, the twenty-seventh ASEAN Summit, held in November 2015, adopted the ASEAN Regional Plan of Action on Elimination of Violence against Children. The Plan of Action opens avenues for the implementation of the 2030 Agenda by ASEAN member States, especially target 16.2 and other violence-related targets. It aims at promoting the implementation of the Declaration on the Elimination of Violence against Women and Elimination of Violence against Children in the ASEAN region; recognizes the human dignity and worth of each child and proposes concrete actions to address the manifestations of violence against children, including emerging concerns such as those associated with the use of new technologies; and places special emphasis on data and research to inform national actions and promotes sharing and mutual learning between ASEAN member States.

38. The ASEAN Commission on the Promotion and Protection of the Rights of Women and Children will conduct an annual review of implementation of the Plan of Action based on reporting by member States. The first five years will focus on priority areas, including the promotion of non-violent approaches to child discipline, the deinstitutionalization of children, the protection of children from online abuse, the prevention of deprivation of liberty and the promotion of alternatives to judicial proceedings for children in contact with the law as well as targeted campaigns to raise awareness among policymakers and the general public in support of the elimination of violence against children.

39. In the Asia and Pacific region, the President of Fiji hosted the first region-wide conference on ending violence against children, with the participation of senior government officials, community and faith-based organizations and child protection experts from 15 Pacific island countries. Welcoming the support of the Special Representative, the participants reviewed strategies and programmes to prevent and respond to violence against children, including good practices in service delivery and increased resource allocation and the establishment of family courts and networks for referral and response across the health, education and social welfare sectors. They called for strengthened laws and policies and committed themselves to promoting violence-free families and societies for children in the participating countries.

40. The South Asian Initiative to End Violence against Children[3] spearheaded the Regional Action Plan to End Child Marriage in South Asia (2015-2018) and the Kathmandu Call for Action to End Child Marriage in South Asia to accelerate progress in ending this practice, including through the urgent review of relevant legislation to determine its compatibility with human rights standards; the establishment of a minimum

[3] See www.saievac.org.

legal age of marriage of 18 years of age; and the harmonization of laws prohibiting child marriage with laws that protect children against all forms of violence. In 2016, the Initiative will host a high-level meeting to advance implementation across South Asia of the Sustainable Development Goal targets related to violence against children.

41. In July 2015, the European Union adopted a new action plan on human rights and democracy 2015-2019, entitled "Keeping human rights at the heart of the European Union agenda", which reaffirms commitment to the rights of the child, promotes ratification of the Optional Protocols to the Convention and supports strengthened national child protection systems to prevent and address violence against children.

42. The Council of Europe has embarked on the development of its 2016-2021 strategy on the rights of the child, maintaining a sharp focus on protecting children from violence and giving special attention to areas of concern raised by the Special Representative, including children's rights in the digital environment and protecting them from online abuse.

# III. Information and communications technologies: maximizing children's potential and protecting children from online violence, including sexual exploitation

## A. Promoting a safe, inclusive and empowering digital agenda for children

43. The opportunities and challenges associated with the use of ICTs to protect children from violence are a priority concern for the mandate of the Special Representative, and which she addressed in a report issued in 2014.[4]

44. ICTs offer children new and exciting means of enhancing knowledge and skills, experiencing creative research and cultural activities and engaging in play, socialization and entertainment. But they can also be associated with serious risks of violence, including online sexual abuse and exploitation. Children can be exposed to cyberbullying, harmful information or abusive material, groomed by potential predators and subjected to abuse and exploitation, including through sexting, the production and distribution of images depicting child abuse and live web streaming. ICTs have significantly facilitated the production, distribution and possession of child abuse images and with rapidly developing technology, the number of perpetrators is growing.

45. The number of images of child abuse on the Internet has reached an unprecedented level. Their dissemination by the millions to many individual offenders is facilitated by the use of smart phones. Encrypted networks allow sex offenders to share such material undetected, posing added challenges for criminal investigations and prosecutions.

46. It is estimated that the number of child abuse images on the Internet increased by 1,500 per cent from 1997 to 2006. This growing trend persists: according to INHOPE (International Association of Internet Hotlines), a collaborative network of 51 hotlines, between 2012 and 2014 the number of URLs containing child sexual abuse material inserted into its reporting management system increased by 139 per cent. The children depicted are increasingly younger: more than 80 per cent are 10 years of age or under and 3 per cent are 2 years of age or younger.

[4] Available from http://srsg.violenceagainstchildren.org/page/1154.

47. Once online, images of child sexual abuse can circulate indefinitely, perpetuating the abuse of the victim. Beyond the serious harm done to child victims, the circulation of such images sustains harmful social attitudes that tolerate the demand, which fuels the further exploitation of children and increases the risk of abuse.

48. Recognizing the urgency of preventing and addressing these child rights violations, in 2015 the Special Representative's high-level round table with regional organizations and institutions focused on the elimination of sexual violence against children associated with the use of ICTs. Hosted jointly with the Council of Europe, the meeting highlighted the severity and pervasiveness of this phenomenon, its long-lasting impact on victims, the difficulties in investigating and prosecuting incidents and the challenges to the protection of children, including the lack of safe, accessible and child-sensitive counselling and reporting and complaint mechanisms (see A/70/289, paras. 36-40).

49. Online violence is often associated with incidents of abuse generated elsewhere, but the screen does more than reflect the multiple faces of violence that children are exposed to at school, in the community or in the family. ICTs become the entry point to an endless maze of mirrors that multiply its impact, where identifying and protecting victims, investigating criminal activities and dealing with illegal and harmful content become increasingly challenging. Without proper coordination, efforts invested in addressing the various manifestations of online abuse will not match the pace of its proliferation or of continuous and rapid technological evolution.

50. This was also the conclusion of the high-level meeting organized on the occasion of the thirtieth session of the Human Rights Council that the Special Representative facilitated in September 2015. Hosted by the Government of Belgium and with the participation of the Queen of the Belgians, it gathered representatives from Governments, civil society, academia and the ICT industry.

51. The multidimensional nature of violence requires a multifaceted response (see A/HRC/28/55, paras. 83-84). As the Special Representative noted in her previous report to the Human Rights Council, this response needs to capitalize on the opportunities and potential offered by ICTs and be effective in detecting and addressing online abuse, while enhancing children's and young people's skills so that they can explore the online world with confidence and in safety. Moreover, this process needs to bring together all relevant stakeholders; national authorities, schools, academia, civil society and the ICT industry play a crucial role and the active contribution of children needs to be at the heart of these endeavours.

52. In recent years, important international and regional multi-stakeholder initiatives have started to address online child protection-related concerns. While highly relevant, these initiatives have failed to involve all relevant actors or address the multiple dimensions of a digital agenda for the prevention and response to all manifestations of online abuse.

53. The protection of children from online sexual abuse has generated particularly wide mobilization, very often with a focus on the detection, investigation and prosecution of related crimes. The Virtual Global Taskforce, the Global Alliance against Child Sexual Abuse Online and various regional coalitions against the commercial sexual exploitation of children online are examples of the extremely valuable efforts involving Governments, law enforcement agencies, financial institutions, the corporate sector, civil society and other stakeholders.

54. In December 2014, the Government of the United Kingdom of Great Britain and Northern Ireland launched the WePROTECT initiative, which builds upon these efforts and proposes a model of national response, including measures to prevent and respond to sexual exploitation online, to ensure the protection of children and fight impunity. On the occasion of that launch, and at the WePROTECT summit held in Abu Dhabi in November 2015,

Governments and representatives of civil society and the ICT industry signed statements of action expressing their commitment to this process.

55. Civil society organizations such as ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes), INHOPE and the International Centre for Missing and Exploited Children have contributed greatly to the development of policies and legislation to prevent and respond to incidents of sexual exploitation of children online, the promotion of measures to identify and protect victims, the establishment of mechanisms to report and take down sexual abuse material and the mobilization of political, financial and public support for these measures.

56. The contribution of the ICT industry has also been crucial, including through the development of technology to track sexual abuse material online, measures to facilitate the investigation and prosecution of crimes and investment in children's empowerment and protection.

57. Similarly, United Nations and regional treaty monitoring bodies, such as those which monitor the implementation of the Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography and the Council of Europe Convention on Cybercrime and Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, have enhanced accountability and guided States in their reflection and action.

58. The annual full-day meeting of the Human Rights Council on the rights of the child, to be held next in March 2016, offers a strategic occasion to promote more determined and better coordinated action to address online sexual exploitation of children effectively. The huge potential of ICTs and the Internet to promote and protect children's rights and to protect children from online abuse is still unexplored. The Special Representative is convinced that this potential can best be developed by the establishment of a dedicated platform; a forum in which all relevant stakeholders will participate and which has at the heart of its work the promotion and implementation of a multifaceted, safe, inclusive and empowering digital agenda for children. In this regard, important lessons can be drawn from the work of the Council within the framework of the Forum on Business and Human Rights. The Special Representative is strongly committed to continuing to assist in this important process.

## B. Protecting children from cyberbullying

59. Cyberbullying was addressed by the General Assembly in its resolution 69/158. It constitutes a particular concern for the mandate of the Special Representative.

60. Cyberbullying may be defined as an aggressive, intentional act carried out by an individual or a group using electronic forms of contact against a victim who cannot easily defend himself or herself. It is typically carried out repeatedly and over time, and is often characterized by an imbalance of power.[5]

61. It does not require the physical presence of the victim; indeed, it can be facilitated by anonymity. A single act online can be observed and disseminated by a large number of people, making it very difficult to assess how the victim will experience or re-experience it.

62. A variety of media and platforms, including online social networks, e-mail, chat rooms, blogs, instant messaging and text messaging, are used in cyberbullying. A crucial factor underpinning its emergence is the rapid growth in children's access to the Internet

[5] See http://srsg.violenceagainstchildren.org/page/1154, p. vii.

and to ICTs. Although it is difficult to assess the exact proportion of Internet users who are children, a recent estimate suggests that one third of users worldwide are below 18 years of age.[6] Children are going online at a younger age and in greater numbers, and the average age of first-time Internet use is declining.

63. Cyberbullying may include spreading rumours, posting false information or hurtful messages, embarrassing comments or photos, or excluding someone from online networks or other communications. Often resulting from face-to-face interaction in the school or other social spaces, it can cause particularly profound harm, as it can affect the child victim at any time and quickly reach a very wide audience.

64. Cyberbullying is one of children's greatest concerns when navigating the online world. Research in Europe indicates that receiving hurtful messages is the least common risk for children online but is the most likely to upset them; the majority of children affected by such messages called on social support and 6 per cent used strategies to delete or block those messages.[7]

65. Although there are still data gaps in different regions, it is clear that cyberbullying is weighing on children's minds and prompting them to seek support. Data collected by Child Helpline International confirm that around the world cyberbullying is a frequent reason for children to call a helpline: in 2014 there were 27, 847 contacts relating to cyberbullying made to helplines.

66. Cyberbullying is a serious manifestation of online violence and can be associated with different forms of sexual abuse. Cyberbullying may in fact include the posting and dissemination of images and pictures of a sexual nature, such as self-generated sexually explicit material; creating, sharing or forwarding messages or images of a sexual nature (sexting); or promoting online intimidation and harassment (cyberstalking), including with a view to obtaining sexual favours from the victim or coercing the victim into performing sexual acts (sextortion).

**Sexting**

67. A study published by the National Society for the Prevention of Cruelty to Children[8] shows that in the United Kingdom, between 15 and 40 per cent of young people are involved in sexting. This includes children younger than 12 years of age, who are often worried, confused and upset by the sexting pressures they face from their peers. The primary technology-related threat is not from strangers but rather from their peers and their social network "friends". Teenagers are aware of how to reduce online risks from strangers, but awareness-raising needs to shift towards reducing the risks from their peers. The role of schools in holding discussions of the sexual pressures that students face and in promoting the support and training of teachers to facilitate these discussions is important.

68. The vast majority of young people who generate or receive sexts would not tell an adult about it; parents and teachers are considered the last resort for seeking help.[9] While most sexting images are self-generated and distributed on a mobile device, the images

[6] Sonia Livingstone, John Carr and Jasmina Byrne, *One in Three: Internet Governance and Children's Rights*, Global Commission on Internet Governance, Paper Series No. 22, November 2015, p. 7.

[7] See http://srsg.violenceagainstchildren.org/page/1154, p. 32.

[8] Jessica Ringrose and others, *A Qualitative Study of Children, Young People and "Sexting"* (London, National Society for the Prevention of Cruelty to Children, 2012).

[9] Andy Phippen, "Sexting: an exploration of practices, attitudes and influences", UK Safer Internet Centre and National Society for the Prevention of Cruelty to Children, December 2012, p. 14.

move easily from the mobile platform onto social networks, which can result in cyberbullying and online abuse on those platforms.

**Impact of cyberbullying**

69. Characterized by an imbalance of power, cyberbullying can cause profound harm. Although the impact depends on the character and circumstances of the victim, the particular type of cyberbullying and the degree to which it violates a child's integrity and dignity, victims commonly experience anxiety, fear, distress, confusion, anger, insecurity, lowered self-esteem, a strong sense of shame and even suicidal thoughts. Children's performance at school may suffer due to psychological distress or they may play truant to avoid being bullied. School dropout rates can also be higher among victims.

**Cyberbullying, children's perceptions and images generated by young people**

70. It is important to examine the phenomenon of cyberbullying in the context of how children themselves perceive and use ICTs. This is crucial in promoting the immense benefits of cyberspace while reducing and mitigating the risks of online abuse.

71. Social engagement through ICTs is now a fundamental part of children's lives, but the manner in which children and young people engage with ICTs is significantly different from that of the previous generation. Children now shift easily between real and virtual worlds, and they regard the online/offline distinction as ever less relevant.

72. Young people may feel inclined to share personal details without taking into account the consequences of their online actions or fail to identify online dangers. For example, children may not appreciate that information or images they share online may be disseminated in ways they do not anticipate; equally, they may not realize that once they share such material they lose control over it. This can be especially problematic when young people produce revealing images or videos of themselves engaging in sexual activity and intentionally share it by any electronic means.

73. Young people may produce sexually explicit material as a result of peer pressure or as part of an "intimate" relationship. In both cases there is a real risk of the material being viewed by people for whom it was not intended. When such material falls into the wrong hands it can be used to blackmail children and young people into engaging in further risky behaviour, a criminal strategy commonly referred to as sextortion.

74. There are many reasons why images intended for private consumption may be more widely disseminated. There may be an explicit intention to harm the individual in question, or those involved may be unaware of the implications of their actions, or the perceived anonymity of the online environment encourages adolescents to act in ways they would not in face-to-face interactions. In any case, once online, such images or material are particularly difficult to delete.

75. Recent research[10] on this topic has revealed a number of significant and worrying developments:

(a) Of the images and videos surveyed, 17.5 per cent depicted children 15 years of age or younger and 85.9 per cent of this content was created using a webcam rather than a mobile device;

[10] Internet Watch Foundation in partnership with Microsoft, Emerging Patterns and Trends Report No. 1: Youth-Produced Sexual Content, 10 March 2015.

(b) A higher proportion of the content depicting this age group was assessed as being of a higher "severity level" than for the 16- to 20-year-old age group;

(c) Of the content depicting children 15 years of age or younger, 93.1 per cent featured girls;

(d) All of the content depicting children 15 years of age or younger was taken from its original upload location and redistributed via third party websites;

(e) The high proportion of content depicting children 13 years of age or younger (85.5 per cent) indicates a need for further research to understand the reasons behind this phenomenon and for awareness-raising campaigns tailored for younger children and their parents to prevent and address the online risks children may face.

**Protecting children at special risk**

76. Children in vulnerable situations and facing difficulties in their daily lives also tend to face risks online. Indeed, children with disabilities, children experiencing social exclusion, those out of school and those belonging to minorities or affected by migration are less likely to access the Internet and thus learn safety practices while online. As a result, when they do access the Internet they are more likely to be exposed to cyberbullying.

77. Social isolation affects the behaviour of children online, including the amount of time spent and the motivation to seek help when needed. Isolated children may be more likely to share sensitive information and engage in riskier behaviours to gain acceptance and attention. This has been called the double jeopardy effect, wherein children with more psychological problems may suffer greater harm both online and offline.

78. Certain groups disproportionally exposed to the risk of cyberbullying, for example children with disabilities or special educational needs, are significantly more likely to be bullied than others. Young people with disabilities have indicated that they can be actively discouraged from using the Internet because adults are afraid that they may be bullied or because of concerns about Internet safety. However, those who have participated in consultations on cyberbullying have highlighted the many positive aspects of using the Internet. ICTs and the Internet can help children overcome many of the challenges they may face, including by decreasing social isolation through online participation and the use of social networks. Some children with disabilities expressed the view that using the Internet was liberating and empowering, as it provided a means of dealing with some of their struggles. The Internet allowed them to connect with other people with similar experiences; get support for problems such as bullying from message boards, forums and videos; and build social connections, particularly when they were experiencing social difficulties or isolation.

79. Young people who are lesbian, gay, bisexual or transgender are particularly vulnerable to bullying and cyberbullying. As noted in a report of the United Nations Educational, Scientific and Cultural Organization (UNESCO),[11] although relatively few countries have collected data on homophobic bullying, evidence from all regions of the world suggests that the scale of the problem is significant, with over half of all lesbian, gay, bisexual or transgender students in a wide range of countries reporting such incidents. Drawing on important research, the report confirms the need for prevention efforts that address both bullying and cyberbullying of lesbian, gay, bisexual or transgender young people.

[11] *Good Policy and Practice in HIV and Health Education*, Booklet 8 - *Education Sector Responses to Homophobic Bullying* (Paris, 2012), p. 18.

**Human rights standards and protection of children from cyberbullying**

80. Although drafted at a time when the challenges associated with violence in cyberspace could hardly be anticipated, the Convention on the Rights of the Child and the Optional Protocols thereto provide a robust framework for addressing the challenges associated with online abuse.

81. Guided by article 19 of the Convention, which calls for the protection of children from all forms of violence, the Committee on the Rights of the Child, in its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, addressed psychological bullying and hazing by adults or other children, including via information and communications technologies such as mobile phones and the Internet, i.e., cyberbullying (para. 21).

82. The Committee noted that the State's obligation to prevent and tackle violence against children, including cyberbullying, requires the implementation of educational measures that address attitudes, traditions, customs and behavioural practices which condone and promote violence against children. These measures include the provision of accurate, accessible and age-appropriate information to children regarding life skills, self-protection and specific risks, including those relating to ICTs; support for children to develop positive peer relationships and combat bullying; and children's empowerment, including promoting their right to be heard. Although these measures can be initiated and implemented by both State and civil society actors, the ultimate responsibility rests with the State (para. 44).

**Preventing and responding to cyberbullying**

83. Important efforts are being made by countries around the world to prevent and address cyberbullying, including the adoption of national legislation. Legislation is an essential building block of a robust national child protection system. It conveys a clear message to society about how to ensure the protection of children and fight impunity, and it provides the foundation for a culture of respect for children's rights, triggering a process of lasting change in attitudes and behaviour that will overcome prejudice and the social acceptance of abuse. Few States have as yet adopted explicit legal provisions on cyberbullying, which is often addressed within the wider context of legislation on bullying. Specific legislation has been introduced only recently, making it difficult to draw firm conclusions about its impact and long-term effectiveness.

84. As with legislation addressing other forms of violence, legislation on cyberbullying, needs to be supported by additional measures, including awareness-raising and social mobilization initiatives, education efforts and campaigns, and capacity-building of professionals working with and for children. In developing appropriate law, it is important to consider that cyberbullying affects children differently depending on their age group, with the main challenges arising for children between 13 and 17 years of age. Legal provisions should ensure the effective protection of children and prevent their further victimization while clarifying responsibilities for prevention and response.

85. Several approaches have been pursued in developing national legislation on cyberbullying. Some States consider that there is no need for additional legislation. This may be the case where the existing criminal law provisions concerning harassment, assault, disclosure of personal information and incitement to hatred provide sufficient protection. Such provisions may be supplemented by civil remedies, for instance through an ombuds institution or data protection agency.

86. Other countries have introduced new offences specific to cyberbullying to address its distinct aspects, such as the disclosure of intimate photographs without consent, indirect harassment and malicious impersonation online. For example, in July 2015, New Zealand

adopted the Harmful Digital Communications Act,[12] which criminalizes sending messages and posting material online that deliberately cause serious emotional distress or incitement to commit suicide. The new legislation is designed to deter and prevent harmful communications, reduce their impact on victims and establish new systems for quickly resolving complaints and removing damaging online material. It provides a broad range of remedies that a district court can order, including taking down material; publishing a correction or an apology or giving the complainant a right of reply; or releasing the identity of the source of an anonymous communication.

87. Other countries have also established new remedies in law to enable victims of cyberbullying to initiate civil proceedings against the bully or seek protection orders. These measures include prohibiting communication with a specified person, restricting the use of any means of electronic communication or confiscating, temporarily or permanently, an electronic device used for cyberbullying.

88. Another approach involves the establishment of a dedicated body with a mandate to tackle cyberbullying. Such a body could have a range of functions including the investigation of complaints regarding cyberbullying, setting standards for online safety, liaising with Internet intermediaries and end users responsible for generating content to find a swift resolution to the complaint, or issuing formal requests to Internet intermediaries or end users to remove material from the Internet. For example, the Enhancing Online Safety for Children Act 2015 adopted by Australia[13] provides for the establishment of a children's e-safety commissioner, whose principal function is to administer a complaints system for cyberbullying material that provides for the rapid removal from social media of such material targeted at a child, while also promoting online safety for children.

89. A final example is an approach whereby national legislation focuses on the school setting, in view of its critical potential to prevent and tackle this phenomenon. In these cases, legislation may specify prohibited conduct; identify the vulnerable groups that should particularly benefit from anti-bulling initiatives; inform victims of ways of redress; provide detailed guidance on the investigation of incidents; and advise on the training of staff to help prevent, identify and respond to bullying.

90. In the Philippines, the Anti-Bullying Act of 2013[14] introduced measures requiring all elementary and secondary schools to adopt policies to address bullying, including when committed through the use of technology or any electronic means. The law establishes mechanisms and relevant reporting requirements and provides for sanctions for non-compliance.

**Prevention, awareness-raising and children's empowerment**

91. Preventing cyberbullying is a priority for children and adults. Often occurring on a continuum, it needs to be tackled in schools and in the home. Initiatives in this area encompass awareness-raising and understanding what constitutes cyberbullying and its associated risks and consequences, both intended and unintended. In this process it is important to promote an ethical approach to cyberspace communication, strengthening the values of respect and concern for others among children and their sense of responsibility to prevent discrimination and promote online safety; it is equally essential that children learn ways of ensuring their own protection, including by learning how to identify the types of online risks, ways of coping with the distress online abuse causes, ways to enhance their

[12] Available from www.justice.govt.nz/policy/criminal-justice/harmful-digital-communications/key-measures.

[13] Available from www.comlaw.gov.au/Details/C2015A00024.

[14] Available from www.gov.ph/2013/09/12/republic-act-no-10627/.

resilience and ways to avoid situations in which their image, honour and reputation may be compromised.

92. Promoting a safe and peaceful learning environment is a major cultural undertaking that requires leadership and support from Government, including adequate resources, to become a reality. It is crucial to strengthen children's protective environment with the support of all relevant stakeholders, including parents and caregivers, teachers and service providers. No less important is engaging and empowering children themselves. Children need to develop their own capacities as digital citizens and learn solid values and life skills, including being responsible in their actions towards others.

93. Important initiatives are being promoted in many countries with this in mind. For example, in Mexico a national campaign focused on raising awareness at the local level on the risks of cyberbullying, supporting parents with information about this phenomenon and helping them to identify and address changes in children's behaviour linked to cyberbullying.[15]

94. In Argentina[16] and Chile, efforts have focused on teacher training, workshops for students and parental guidance on bullying and cyberbullying as well as clinical care for victims and bullies to prevent future incidents.

95. In the United States of America, a comprehensive resource for prevention and response was created by the Government. A dedicated site[17] provides information on the nature of bullying and cyberbullying, who may be at risk, and how bullying can be prevented and addressed. Alongside advice for parents and children there is information about when and where to report cyberbullying.

96. In the Czech Republic, a special centre provides information and resources on children's online risks, including cyberbullying, cyber grooming, cyberstalking, sexting and sharing personal information through social networks and other hazardous communication techniques.[18]

**Building on the potential of schools**

97. While cyberbullying can extend far beyond the school setting and its consequences can affect children's well-being and school performance, schools are in a unique position to promote non-violent behaviour and support changes in attitudes that condone violence. Through quality education, children can gain the skills and abilities to avoid and address risks and become well-informed and responsible digital citizens. The best way to deal with cyberbullying is to prevent it, and the school is an ideal setting for taking action that benefits the whole community of students.

98. For this reason, some countries have emphasized coordination and implementation of a comprehensive prevention and response strategy led by the senior management team of the school. In the United Kingdom, among the activities highlighted by researchers are exploring with schoolchildren the positive use of technology to increase their self-esteem, creativity and participation; promoting e-safety, digital literacy and the correct ways to communicate on the Internet, or "netiquette"; and providing child-friendly mechanisms to report cyberbullying and information on how to contact service providers directly. To keep cyberbullying a live issue, emphasis is also given to the development of annual surveys,

[15] See http://sipse.com/mexico/programa-yoloborro-contra-ciberbullying-crimen-organizado-hijos-139713.html.

[16] See www.equipoaba.com.ar.

[17] See www.stopbullying.gov/cyberbullying/index.html.

[18] See www.e-bezpeci.cz.

evaluating the impact of measures undertaken and disseminating positive results of the initiative.[19]

**Key areas for action**

99. The rapid development and expansion of ICTs have generated new opportunities for the realization of children's rights as well as significant challenges for the protection of children from violence. Cyberbullying is one such challenge. Available information about this phenomenon, its impact on children and on measures to prevent and address it remains limited. Nonetheless, research and experience in different regions suggest a number of key areas in which action is needed to ensure children's safety and protection.

100. Children's empowerment and contribution need to be at the heart of these efforts. When children are appropriately supported and given the opportunity to learn life skills that increase their confidence and resilience in the safe use of ICTs, they become the most effective agents in preventing and coping with risks, and in protecting other children.

101. To bring this about, it is crucial to provide information and advice to parents, and other adults dealing with children, about existing technologies and practices online, as well as on how children perceive, interact with and navigate the online world. An open dialogue between parents and children, including parents taking time to surf the Internet with their children, guiding and reassuring them and discussing online practices which may present risks, is critical. This dialogue should address the diverse aspects of online behaviour, including sites visited, protection of privacy, and the safe exchange of information and images.

102. Schools provide another crucial dimension of this process. When a "whole-school" approach is promoted, it opens up new opportunities to inform the preparation and dissemination of clear policies on what is acceptable and what is not; to promote the engagement, awareness-raising and capacity-building of relevant actors, including the senior management of the school, teachers, students, parents and local authorities; to establish child-friendly reporting mechanisms; and to develop a safe, inclusive and tolerant learning environment.

103. Clear and comprehensive legislation provides an invaluable tool in combating cyberbullying, helping to prevent it and fight impunity, ensure the protection of children and avoid their revictimization, provide for effective remedies and child-sensitive reporting procedures and put in place restorative approaches that repair the harm done while preventing the criminalization of children.

104. Finally, it is important to explore the promising potential of ICTs in providing the means for children to gain skills and access relevant information and to seek support and address risks with confidence and in safety. The development of apps tailored for children and mechanisms that make it easier for children to protect themselves from cyberbullying and other harmful online practices — including the blocking, identification and reporting of bullies — should also be encouraged.

[19] Magdalena Marczak and Iain Coyne, "Cyberbullying at school: good practices and legal aspects in the United Kingdom", *Australian Journal of Guidance and Counselling*, vol. 20, No. 2 (2010), pp. 182-193.

# IV. Looking ahead

105. In recent years, the protection of children from violence has evolved from a largely neglected topic into a growing global concern. Framed by international human rights standards and informed by the United Nations study on violence against children, there have developed a growing understanding of how children are exposed to violence, strengthened commitments to ensure their safety and protection as well as significant efforts to mobilize national support for prevention and response and to help change attitudes and behaviour that condone violence against children..

106. The outcome document adopted by the United Nations summit for the adoption of the post-2015 development agenda, "Transforming our World: the 2030 Agenda for Sustainable Development", describes a vision of a world of peaceful, just and inclusive societies which are free from fear and violence. It includes the elimination of all forms of violence against children as a distinct priority. The implementation of this new agenda and the commemoration of the tenth anniversary of the submission of the study in 2016 mark the start of the most important countdown: towards a world free from fear and from violence for all children, leaving no one behind.

107. It is imperative to seize this historic opportunity to place the protection of children from violence at the heart of the policy actions of every nation and make a reality of children's vision of a world where fear and violence are part of the distant past.

108. In moving ahead, transformation, talent and time are our watchwords. Transformation, because to achieve lasting change hope must replace despair and confidence supplant distrust, while using technology to amplify our capacity for action and connect those willing to achieve change. The decisive commitment and leadership of States, institutions, communities and networks of millions of adults and children who stand ready to join efforts are crucial to this ambitious transformative process.

109. Talent must be placed at the service of our widely shared child rights values and of the society we all aspire to build. In the countdown to 2030, everybody counts and everybody is needed to overcome the destructive impact of violence and social exclusion.

110. And time, because there can be no complacency: it is imperative to move with a deep sense of urgency. Investing in violence prevention, protecting children's lives and futures and saving nations' resources mean time gained in the countdown to a brighter future. The opportunity for change is too important to let slip.

111. It is crucial to consolidate the gains made, grasp the lessons learned and redouble efforts to shape a dynamic process of change and build a world where all children can grow up free from violence. With this aim in mind, the Special Representative will build upon the decision of the General Assembly on the renewal of her mandate to mobilize enhanced support for accelerated progress in priority areas, paying special attention to:

(a) Achieving a quantum leap in progress towards achieving the violence-related Sustainable Development Goals by promoting and supporting the development of national strategies, especially through the design and implementation of a comprehensive national agenda for violence prevention and elimination, the enactment and enforcement of legislation banning all violence against children and the consolidation of data and research in this area, as well as through regional cooperation efforts on children's right to freedom from violence;

(b) Advancing the implementation of a safe, inclusive and empowering digital agenda for children by strengthening policy advocacy on children's empowerment and protection from online abuse and mobilizing support for a dedicated multi-stakeholder platform to coordinate actions and accelerate progress in this process;

(c) Further mainstreaming violence-related concerns in the United Nations policy agenda by providing support to the report of the Secretary-General on protecting children from bullying and the global study on children deprived of liberty to be submitted to the General Assembly at its seventy-first and seventy-second sessions respectively.

112. The Special Representative looks forward to continuing to collaborate closely with Member States and all other stakeholders, including children themselves, in the further implementation of her mandate towards building a world free from violence against children.